MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

BLR 3084 – LABOUR AND INDUSTRIAL RELATIONS

(All Sections/Groups)

04 MARCH 2020
2.30 p.m – 4.30 p.m
(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This question paper consists of 3 pages, inclusive of the cover page.
2. Answer **ALL FOUR (4)** questions.
3. Marks are shown at the end of each question.
4. **TAKE NOTE** that you **MUST** refer to case law and Acts of Parliament where necessary and relevant.

MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

BLR 3084 – LABOUR AND INDUSTRIAL RELATIONS

(All Sections/Groups)

04 MARCH 2020
2.30 p.m – 4.30 p.m
(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This question paper consists of 3 pages, inclusive of the cover page.
2. Answer **ALL FOUR (4)** questions.
3. Marks are shown at the end of each question.
4. **TAKE NOTE** that you **MUST** refer to case law and Acts of Parliament where necessary and relevant.

ANSWER ALL QUESTIONS

QUESTION 1

Define and set out the differences between a contract of service and a contract for services. What are the factors that the courts will take into account in deciding the nature of a contract of employment? Explain why such a distinction is necessary.

(25 Marks)

QUESTION 2

Simon and James are workmen with Asterix Sdn. Bhd., a printing company ("the Company"). Simon is the Assistant Manager of its Kuala Lumpur office, whereas James works in the same office as an Adminsitrative Clerk. Simon's salary is RM 2000.00 a month whereas James earns RM 1800.00 a month.

The CEO of Asterix plc, the parent company based in the United Kingdom, Mr. Obelix is in Malaysia on a visit. The Company holds a gala dinner at a five-star hotel for all its employees in honour of Mr. Obelix. Half-way through the dinner, there was a huge commotion. It was discovered that both Simon and James were completely drunk and were causing a ruckus amongst the guests.

The following day, the General Manager stormed into the office and called both Simon and James in front of all their colleagues and started yelling at them. Simon was suspended for two weeks whereas James was dismissed on the spot. Both did not face domestic inquiries.

Discuss the legal issues arising therefrom.

(25 Marks)

Continued.....

QUESTION 3

Set out the facts and decision of **Wong Chee Hong v Cathay Organisation** (1988). Explain the legal principle established in that case and critically analyse the decision of the Supreme Court.

(25 Marks)

QUESTION 4

What is the meaning of "employment injury" in the context of the **Employees' Social Security Act 1967**? Explain in detail two cases where the Courts have held that the Employees had incurred "employment injury" and could successfully claim employment injury insurance. Set out the facts and the decision of the cases as well the reasons for the decisions.

(25 Marks)

(TOTAL: 100 Marks)

End of Page